

MEETINGS TO DATE 11
NO. OF REGULARS 11
NO. OF SPECIALS 0

LANCASTER, NEW YORK
JUNE 1, 1981

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York on the 1st day of June, 1981, at 8:00 P.M. and there were

PRESENT: STANLEY JAY KEYSA, SUPERVISOR
JOSEPH R. BARNHARDT, COUNCILMAN
EDWARD A. BERENT, COUNCILMAN
RONALD A. CZAPLA, COUNCILMAN
LEONARD E. GRZYBOWSKI, COUNCILMAN

ABSENT: NONE

ALSO PRESENT: ELEANOR D. KUCHARSKI, DEPUTY TOWN CLERK
DOMINIC J. TERRANOVA, TOWN ATTORNEY
RICHARD J. SHERWOOD, DEPUTY TOWN ATTORNEY
ROBERT LABENSKI, TOWN ENGINEER
ROBERT W. URBAN, HIGHWAY SUPERINTENDENT
SAMUEL L. SAEVA, RECEIVER OF TAXES
THOMAS E. FOWLER, CHIEF OF POLICE
ROBERT L. LANEY, BUILDING INSPECTOR
JOHN M. COSTELLO, ASSESSOR

BID OPENING SCHEDULED FOR 8:00 P.M.:

At 8:00 P.M., the Town Board considered sealed proposals for furnishing to the Town of Lancaster's Recreation Department sporting and athletic equipment.

ON MOTION BY COUNCILMAN BERENT, AND SECONDED BY COUNCILMAN BARNHARDT AND CARRIED, by unanimous voice vote, the time for receiving the aforesaid proposals was closed at 8:05 P.M.

Affidavits of Publication and Posting of a Notice to Bidders were presented and ordered placed on file.

BID OPENING SCHEDULED FOR 8:00 P.M. CONT'D.:

A proposal was received from the following bidder:

Dekdebrun Sporting Goods, Inc.
Northtown Plaza
Buffalo, New York 14226

ON MOTION BY COUNCILMAN BERENT, AND SECONDED BY COUNCILMAN BARNHARDT AND CARRIED, by unanimous voice vote, the aforesaid proposal was ordered turned over to the Director of Recreation for examination, tabulation, and recommendation.

PUBLIC HEARING SCHEDULED FOR 8:15 P.M.:

At 8:16 P.M., the Town Board held a Public Hearing to hear all interested parties and citizens on the proposed enactment of Local Law No. 1 of the Year 1981, also known as Chapter 23 of the Code of the Town of Lancaster, entitled "Gas Wells".

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

The Supervisor presented a communication relative to this Public Hearing: A letter from National Fuel expressing comments in the negative regarding this proposed Local Law.

PROPOSERS

None

OPPOSERS

Thomas Weil, Engineer
2 Bruce Drive
Orchard Park, N.Y.

ON MOTION BY COUNCILMAN BARNHARDT, AND SECONDED BY COUNCILMAN CZAPLA AND CARRIED, by unanimous voice vote, the Public Hearing was closed at 8:31 P.M.

The Board, later in the evening, adopted a resolution enacting Local Law No. 1 of the Year 1981, entitled "Gas Wells".

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCILMEN:

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BARNHARDT , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BERENT , TO WIT:

RESOLVED, that the minutes of the meeting of the Town Board of
the Town of Lancaster, held May 18, 1981, as presented by the Town Clerk, be
and hereby are adopted.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED YES
COUNCILMAN BERENT	VOTED YES
COUNCILMAN CZAPLA	VOTED YES
COUNCILMAN GRZYBOWSKI	VOTED YES
SUPERVISOR KEYSA	VOTED YES

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The resolution was thereupon unanimously adopted.

June 1, 1981

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BERENT , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BARNHARDT , TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has determined, upon the recommendation of the Property Manager of the Town of Lancaster and various department heads, that there are items of personal property owned by the Town of Lancaster which are no longer required for Town use and that such items are surplus to the needs of the Town of Lancaster,

NOW, THEREFORE, BE IT

RESOLVED, that Samuel L. Saeva, Property Manager of the Town of Lancaster, is hereby authorized and directed to sell the following items of Town property at public auction on June 20, 1981 at 10:00 o'clock A.M., Local Time, at the Lancaster Town Center, 525 Pavement Road, Lancaster, New York, to the highest bidder with the items and terms of said sale to be as follows:

1. Payment in full by the successful bidders shall be made at the time of sale in cash or by certified check only.
2. Items of personal property shall be sold as junk, as is, with no warranty whatever.
3. Items sold shall be removed from place of sale no later than 72 hours after sale.
4. Items to be sold and minimum bid prices are as follows:

1 - 1976 Chevrolet Police Car	\$250.00
1 - 1979 Dodge Police Car	850.00
1 - 1966 Chevrolet Pickup Truck	200.00
1 - 1971 Dodge Van Truck	50.00
1 - 1974 Dodge Monaco Sedan	200.00
1 - Motorized Cement Mixer	150.00
1 - Heater	10.00
1 - Small Pony Heater	.00
1 - Paint Stripper	5.00
1 - Toro Lawnmower	.00
1 - 2 Wheel Trailer	15.00
1 - Gas Powered Weed Cutter	.00
1 - Royal Typewriter	10.00
1 - Burroughs 10 Key Adding Machine	15.00
1 - 1971 Sander Box	150.00

and,

BE IT FURTHER

RESOLVED, that the Property Manager shall give Notice of such sale by publishing a Notice in the Lancaster Enterprise Journal on June 11, 1981 and June 18, 1981, and by posting such Notice on the Town Hall Bulletin Board, and

BE IT FURTHER

RESOLVED, that should the minimum bid price not be tendered for any item listed to be sold, the Property Manager is hereby authorized to dispose of said item anytime after the auction by scrapping or private sale at a price equal to, or exceeding the minimum bid price, set herein.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN BARNAHRDT VOTED YES

COUNCILMAN BERENT VOTED YES

COUNCILMAN CZAPLA VOTED YES

COUNCILMAN GRZYBOWSKI VOTED YES

SUPERVISOR KEYSA VOTED YES

~~duly~~
The resolution was thereupon unanimously adopted.

June 1, 1981

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN CZAPLA , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
GRZYBOWSKI , TO WIT:

WHEREAS, the Highway Superintendent of the Town of Lancaster has
requested the purchase of the following equipment for use of the Highway
Department:

- 1) One (1) New and Unused 1980 or 1981 6100 lbs. G.V.W.
Pick-Up Truck.
- 2) One (1) New and Unused 1980 or 1981 6600 lbs. G.V.W. Van
- 3) Three (3) New 1981 Two-Wheel-Drive Trucks, Complete with
Dump Body and Snow Removal Equipment, as specified.

and

WHEREAS, the Highway Committee of the Town Board recommends that
such purchase be authorized,

NOW, THEREFORE, BE IT

RESOLVED, that Notice to Bidders, in form attached hereto and made
a part hereof, be published in the Lancaster Enterprise Journal and be posted
according to law, that the Town Board will receive bids up to 8:15 o'clock P.M.
Local Time, on June 15, 1981, to furnish the following equipment for the
Highway Department of the Town of Lancaster in accordance with specifications
on file in the office of the Town Clerk:

- 1) One (1) New and Unused 1980 or 1981 6100 lbs. G.V.W.
Pick-Up Truck.
- 2) One (1) New and Unused 1980 or 1981 6600 lbs. G.V.W. Van
- 3) Three (3) New 1981 Two-Wheel Drive Trucks, Complete with
Dump Body and Snow Removal Equipment, as specified.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED YES
COUNCILMAN BERENT	VOTED YES
COUNCILMAN CZAPLA	VOTED YES
COUNCILMAN GRZYBOWSKI	VOTED YES
SUPERVISOR KEYSA	VOTED YES

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The resolution was thereupon unanimously adopted.

June 1, 1981

LEGAL NOTICE
TOWN OF LANCASTER
NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that sealed bids will be received by the Town Board of the Town of Lancaster, Erie County, New York, in the Council Chamber of the Town Hall, 21 Central Avenue, Lancaster, New York, up to 8:15 o'clock P.M., Local Time, on June 15th, 1981, for furnishing the following Equipment to the Highway Department of the Town of Lancaster in accordance with specifications on file in the office of the Town Clerk:

- 1) One (1) New and Unused 1980 or 1981 6100 lbs. G.V.W. Pick-Up Truck.
- 2) One (1) New and Unused 1980 or 1981 6600 lbs. G.V.W. Van
- 3) Three (3) New 1981 Two Wheel Drive Trucks, Complete with Dump Body and Snow Removal Equipment, as specified.

A certified check or bid bond in the amount representing five per centum (5%) of the "Gross Bid", payable to the Supervisor of the Town of Lancaster, and non-collusive bid certificate must accompany each bid.

The Board reserves the right to reject any or all bids and to waive any informalities.

TOWN BOARD OF THE
TOWN OF LANCASTER

BY: ROBERT P. THILL
Town Clerk

June 1, 1981

THE FOLLOWING RESOLUTION WAS OFFERED
 BY COUNCILMAN BARNHARDT , WHO MOVED
 ITS ADOPTION, SECONDED BY COUNCILMAN
 BERENT , TO WIT:

WHEREAS, the services of the Election Inspectors of the Town of Lancaster will be needed for conducting the election process of the Town of Lancaster during the year 1981,

NOW, THEREFORE, BE IT

RESOLVED, that during the year 1981, the Election Inspectors of the Town of Lancaster be paid as follows:

General Primary Day (Polls open 9 hours)	\$33.50
Registration Days (if any) (for each hour polls open)	\$ 3.35 an hour
Election or Referendum Days (Polls open 15 hours)	\$53.60
For Attending Election Inspectors' School (for each school attended)	\$10.00

and,

BE IT FURTHER

RESOLVED, that the Chairman of the Inspectors at each Polling Place be paid an additional fifteen (\$15.00) dollars for each Primary Day and General Election or Referendum Day.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN BARNHARDT	VOTED YES
COUNCILMAN BERENT	VOTED YES
COUNCILMAN CZAPLA	VOTED YES
COUNCILMAN GRZYBOWSKI	VOTED YES
SUPERVISOR KEYSA	VOTED YES

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The resolution was thereupon unanimously adopted.

June 1, 1981

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BERENT , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BARNHARDT , TO WIT:

WHEREAS, the Millgrove Volunteer Fire Department, Inc., by letter dated May 23, 1981, has requested confirmation of one (1) new member duly elected to the Membership of the Millgrove Volunteer Fire Department, Inc.,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby confirms the membership of the following individual in the Millgrove Volunteer Fire Department, Inc.:

Barry Pawelek
6212 Genesee Street
Lancaster, New York 14086

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN BARNHARDT	VOTED YES
COUNCILMAN BERENT	VOTED YES
COUNCILMAN CZAPLA	VOTED YES
COUNCILMAN GRZYBOWSKI	VOTED YES
SUPERVISOR KEYSA	VOTED YES

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The resolution was thereupon unanimously adopted.

June 1, 1981

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BARNHARDT , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BERENT , TO WIT:

WHEREAS, effective June 1, 1981, Section 14-a., Subdivision 2, of the Domestic Relations Law of the State of New York, was amended to provide for an increase in the two (\$2.00) dollar fee charged by the Town Clerk for the issuance of a Marriage Certificate, from two (\$2.00) dollars to a maximum of five (\$5.00) dollars, and

WHEREAS, the Town Clerk, by letter dated May 26, 1981, has recommended that the Town Board set the fee in the Town of Lancaster for the issuance of a Marriage Certificate at five (\$5.00) dollars,

NOW, THEREFORE, BE IT

RESOLVED, that upon the recommendation of the Town Clerk of the Town of Lancaster, the Town Board hereby fixes the fee for a Certificate of Marriage Registration at the sum of five (\$5.00) dollars, effective June 2, 1981.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN CZAPLA	VOTED	YES
COUNCILMAN GRZYBOWSKI	VOTED	YES
SUPERVISOR KEYSA	VOTED	YES

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The resolution was thereupon unanimously adopted.

June 1, 1981

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN CZAPLA , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
GRZYBOWSKI , TO WIT:

WHEREAS, the Highway Superintendent of the Town of Lancaster, by
letter dated May 11, 1981, has requested authority from the Town Board of the
Town of Lancaster to purchase one (1) new 1981 Stow Portable Concrete Mixer,

NOW, THEREFORE, BE IT

RESOLVED, that the Highway Superintendent of the Town of Lancaster
be and is hereby authorized to purchase one (1) new 1981 Stow Portable
Concrete Mixer for the total contract price of \$1,656.00 from the Master
Equipment Company, 465 Creekside Drive, Amherst, New York 14150, and

BE IT FURTHER

RESOLVED, that the Town Clerk be and is hereby authorized and
directed to forward two (2) certified copies of this resolution to the Erie
County Department of Highways, to the attention of Mel Kase.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call which resulted as follows:

COUNCILMAN BARNHARDT	VOTED YES
COUNCILMAN BERENT	VOTED YES
COUNCILMAN CZAPLA	VOTED YES
COUNCILMAN GRZYBOWSKI	VOTED YES
SUPERVISOR KEYSA	VOTED YES

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The resolution was thereupon unanimously adopted.

June 1, 1981

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BERENT , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BARNHARDT , TO WIT:

WHEREAS, DR. JOSEPH A. FAHEY and HELEN K. FAHEY, his wife, of
6161 Genesee Street, Lancaster, New York, have tendered a deed to approximately
15.8 acres of property with approximately 35.62 feet of frontage on Peppermint
Road contiguous to property owned by the Town of Lancaster, designated Walden
Pond Park, as a gift to the Town of Lancaster for general town purposes, and

WHEREAS, the Town Board of the Town of Lancaster deems it in the
public interest to accept and confirm said gift and confirm delivery and
recording of the deed to said property;

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. The Town Board of the Town of Lancaster hereby accepts delivery
and confirms the recording of a deed to approximately 15.8 acres of real
property with access to Peppermint Road contiguous to the Town of Lancaster
property known as Walden Pond Park, as a gift to the Town of Lancaster from
Dr. Joseph A. Fahey and Helen K. Fahey, his wife; and

2. That the donors, DR. JOSEPH A. FAHEY and HELEN K. FAHEY, his
wife, be extended the sincere thanks of the Town Board on behalf of the people
of the Town of Lancaster and that a certified copy of this resolution be
forwarded to them by the Town Clerk.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED YES
COUNCILMAN BERENT	VOTED YES
COUNCILMAN CZAPLA	VOTED YES
COUNCILMAN GRZYBOWSKI	VOTED YES
SUPERVISOR KEYSA	VOTED YES

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The resolution was thereupon unanimously adopted.

June 1, 1981

THE FOLLOWING RESOLUTION WAS OFFERED
 BY COUNCILMAN CZAPLA , WHO MOVED
 ITS ADOPTION, SECONDED BY COUNCILMAN
 GRZYBOWSKI , TO WIT:

RESOLVED, that pursuant to Section 4-104 of the Election Law of the State of New York, this Town Board hereby designates the following Polling Places in each Election District of the Town of Lancaster at which meetings for the Registration of votes and conduction of Elections and Primaries shall be held during the year following the ensuing 1st day of July, 1981.

ELECTION DIST.POLLING PLACE

1	Town Hall 21 Central Ave., Lancaster, N.Y. (Consolidated Registration Place)
2	Court Street School, 109 Court St., Lancaster, N.Y.
3	Court Street School, 109 Court St., Lancaster, N.Y.
4	Como Park School, 1985 Como Park Blvd., Lancaster, N.Y.
5	Como Park School, 1985 Como Park Blvd., Lancaster, N.Y.
6	Aurora Middle School, 148 Aurora St., Lancaster, N.Y.
7	Lancaster Municipal Bldg., Broadway, Lancaster, N.Y.
8	St. Mary's High School, Laverack Ave., Lancaster, N.Y.
9	Fire Hall, 16 W. Drullard Ave., Lancaster, N.Y.
10	Central Avenue School, 149 Central Ave., Lancaster, N.Y.
11	Fire Hall, Meridian St., Depew, N.Y.
12	Fire Hall, Meridian St., Depew, N.Y.
13	Depew Municipal Bldg., Gould and Manitou, Depew, N.Y.
14	North Side Fire Hall, Brewster St., Depew, N.Y.
15	SS. Peter & Paul School, Burlington Ave., Depew, N.Y.
16	Bowmansville School, Genesee St. & Martha Rd., Bowmansville, N.Y.
17	Lancaster Town Center, 525 Pavement Rd., Lancaster, N.Y.
18	Town Line Fire Hall, 6503 Broadway, Town Line, N.Y.
19	Bowen Rd. Historical Site, Bowen and William, Lancaster, N.Y.
20	Twin District Fire Hall, 4989 William St., Lancaster, N.Y.
21	North Side Fire Hall, Brewster St., Depew, N.Y.
22	Lancaster Senior H.S., 1 Forton Dr., Lancaster, N.Y.
23	Aurora Middle School, 148 Aurora St., Lancaster, N.Y.
24	Village Dept. of Public Works, 5200 Broadway, Lancaster, N.Y.
25	Fire Hall, 16 W. Drullard Ave., Lancaster, N.Y.
26	SS. Peter & Paul School, Burlington Ave., Depew, N.Y.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN CZAPLA	VOTED	YES
COUNCILMAN GRZYBOWSKI	VOTED	YES
SUPERVISOR KEYSA	VOTED	YES

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The resolution was thereupon unanimously adopted.

June 1, 1981

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BARNHARDT , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BERENT , TO WIT:

WHEREAS, the Municipal Home Rule Law of the State of New York and
Chapter 26 of the Code of the Town of Lancaster provide for the adoption and
enactment of Local Laws, and

WHEREAS, proposed Local Law No. 1 of the Year 1981, entitled "Gas
Wells", was introduced to the Town Board of the Town of Lancaster on May 18,
1981, by Councilman Barnhardt, and

WHEREAS, a Public Hearing was duly called and held pursuant to Law
on June 1, 1981,

NOW, THEREFORE, BE IT

ENACTED, by the Town Board of the Town of Lancaster, as follows:

GAS WELLS
CHAPTER 23

GAS WELLS

LOCAL LAW NO. 1
1981

A LOCAL LAW TO PROVIDE FOR THE REGULATION OF, THE ACQUISITION OF, AND DEVELOPMENT OF NATURAL GAS SUPPLIES.

- 23.1 Legislative Intent
- 23.2 Definitions
- 23.3 Gas Wells Permitted; Compliance Required
- 23.4 Restrictions
- 23.5 Prevention of Pollution and Migration
- 23.6 Drilling Practices
- 23.7 Additional Requirements
- 23.8 Restoration of Drilling Site
- 23.9 Assessed Value
- 23.10 Compliance Required for Existing Drilling Sites
- 23.11 Building Inspector to Issue Permit
- 23.12 Penalties for Offenses
- 23.13 Higher Standards to Prevail
- 23.14 Severability
- 23.15 Effective Date

Be it enacted by the Town Board of the Town of Lancaster, as follows:

23.1 Legislative Intent.

The purpose of this Local Law is to provide for the regulation of, acquisition of and development of natural gas supplies in such a manner that will protect the public health, safety and welfare of the residents of the Town of Lancaster.

23.2 Definitions.

Unless the context requires a different meaning, the words defined below shall have the following meanings when used in this Local Law.

BLOWOUT - An uncontrolled, sudden or violent escape of gas, as from a drilling well, when high-formation pressure is encountered.

- BLOWOUT PREVENTER** - A device attached immediately above the casing which can be closed and which will shut off the hole should a blowout occur.
- DRILLING COMPANY** - The person who constructs the well and conducts the drilling operations.
- GAS** - All natural gas and manufactured, mixed and by-product gas, and all other hydrocarbons not herein defined as oil or condensate.
- DRILLING SITE** - Includes the location of the drill hole for the gas well and all equipment and appurtenances, including any ponds, to be used in connection with the drilling operations for the gas well.
- LEASEHOLDER** - The person who has been granted the rights by the owner to drill into and produce or extract the gas from the premises.
- OWNER** The owner of the legal title to the premises from which the gas is to be extracted.
- PERSON** Includes any natural person, corporation, association, partnership, receiver, trustee, executor, administrator, guardian, fiduciary or other representative of any kind. The masculine gender in referring to a person includes the feminine and the neuter genders.
- STRUCTURE** Shall include, but not be limited to, any building, device, equipment, valves or piping temporarily or permanently erected at the drilling site.
- WELL** The hole which is drilled or put down for the purpose of mining for the production of natural gas. Where reference is made anywhere to the prohibition of the construction of a gas well within certain distances of specified places, such distances shall be measured from the center of the drill hole except where otherwise provided.

23.3 Gas wells permitted; compliance required.

Gas wells shall be permitted in the Town of Lancaster, whether owned by a public utility or otherwise; provided, however, that it shall be unlawful to commence drilling operations or to carry on drilling operations for gas in any manner unless there has been compliance with the provisions of this Local Law, as follows:

- A. **Permit Required.** - No gas well drilling operations or construction or excavation for a gas well site nor the erection of drilling equipment or the placing or moving of equipment to be used for construction of a gas well site on any land shall be commenced without a permit being first issued by the Town Board of the Town of Lancaster, after review by the Building Inspector or such other individual or agency as the Town Board may designate.
- B. **Application for Permit.** - An application for a permit from

the Town of Lancaster shall be made to the Town Board of the Town of Lancaster or such other individual or agency as the Board may designate from time to time.

Said application form shall require the name and address of the leaseholder, the name and address of drilling company and, if any of the foregoing is a corporation or partnership, the names and address of the partners, president and treasurer thereof and the name and address of the agent or person in charge of the drilling operations.

Submitted with, attached to and made a part of the application shall be a survey made by a surveyor or engineer licensed by the State of New York, showing by metes and bounds the premises to be drilled on, the proposed location of the well hole and any appurtenances to the gas well, including ponds, and the distance, in feet, of the said proposed location to adjoining property owners and to all buildings, structures, places of assembly, public recreational facilities, storage or repair areas, places of public travel or occupancy, rights-of-way of any public road or highway, rights-of-way of any public utility and streams, creeks, rivers, or other bodies of water which are within three hundred (300) feet of gas well site. Survey shall also show the names of all adjacent property owners and the zoning classification of these properties.

If there are no buildings, roads; and so forth, within three hundred (300) feet of the gas well site or appurtenances, including ponds, then the surveyor or engineer shall indicate that fact on the survey.

- C. Drilling Permit. - A copy of the drilling permit issued by the Bureau of Mineral Resources of the New York State Department of Environmental Conservation or its successor shall be submitted to the Town Board of the Town of Lancaster, together with the application for a permit.

- D. Permit Fee. - The application also must be accompanied by a fee of One Hundred Fifty Dollars (\$150.00) in the form of a check or money order made payable to the Town of Lancaster.

The application for the permit shall be made and signed by the leaseholder and the drilling company, with the written understanding that they have read this Local Law and understand that any violation of this Local Law is unlawful and shall constitute reason for immediate revocation of the permit and further, shall be cause for immediately enjoining and ceasing all drilling operations.

- E. The Town Board of the Town of Lancaster or such other individual or agency as the Board may designate, may require such other information as shall be deemed necessary for the proper enforcement of this Local Law.

- F. Bond Required. - The lease holder of the natural gas rights of the premises upon which the gas well is to be drilled and, if there is no leaseholder, the owner of the premises shall obtain and deliver to the Town Board of the Town of Lancaster a license and permit bond in the amount of ten thousand dollars (\$10,000.) as principal in favor of the Town of Lancaster as obligee, which bond shall ensure compliance with all parts and sections of this Local Law.

The license and permit bond shall be issued by a bonding company licensed to do business in the State of New York and shall be submitted to the Town Board of the Town of Lancaster with the application for the drilling permit. Such bond shall be conditioned upon compliance with all provisions of this Local Law, and the bond shall be made for a period of not less than one (1) year. A new bond or an extension or renewal of the original shall be furnished at the expiration of any existing bond and shall remain in effect as long thereafter as the derrick, derrick foundations, tanks, machinery, pipe or other equipment or improvements placed on the premises to drill or operate the well, including slush pots, sump pumps and ponds, are permitted to remain on the premises.

If any bond required herein lapses or becomes void for any reason, the permit issued under this Local Law shall immediately become inoperative and void until a new bond is provided or the existing bond is reinstated in full force. All bonds shall be subject to the approval of the Town Attorney as to form and sufficiency.

- G. The applicant shall also submit to the Town Board of the Town of Lancaster or such other individual or agency as the Board may designate, evidence in the form of certificates of insurance that the drilling company maintains and is carrying public liability and property damage insurance covering all drilling operations conducted by the drilling company in an amount of not less than two hundred thousand dollars (\$200,000.).
- H. Upon determination that the application is in order, that the proposed location of the gas well site complies with the restrictions set forth in §23.4, that a state permit has been issued, that a permit and license bond have been submitted and the fee has been paid and that the necessary insurance is being maintained by the drilling company, the Town Board or such other individual or agency as the Board may designate, shall issue a permit to the leaseholder and, if there is no lease holder, to the owner of the premises.
- I. Expiration of Permit. Any permit issued upon an application for same shall expire one year from the date of issuance.
- J. Renewal of Permit. Any permit holder shall apply for renewal of same at the Town Clerk's Office of the Town of Lancaster, by filing a renewal application as provided. Any substantial or material changes in the ownership or operation of the well(s) or premises shall be set out in the renewal application.

The application for renewal shall be made at least sixty (60) days prior to the expiration date of the existing permit.

The Town Clerk of the Town of Lancaster, upon receipt of any said renewal application, shall forward same to the Town Board of the Town of Lancaster for approval thereof before the renewal permit shall be issued by said Clerk.

23.4 Restrictions.

- A. No gas well shall be constructed or located nearer than two hundred (200) feet to any building, structure, area, which may be used as a place of assembly, resort, public recreation facility, storage or repair area, place of public travel or occupancy, right-of-way or any public road or highway or right-of-way of any public utility.

Use by the public shall not be construed to include use by the employees of an employer engaged in the foregoing activities.

- B. No Gas well shall be located nearer than one hundred (100) feet to the bank of any public stream, creek, river or other body of water, or within a designated floodway as identified by the HUD- Defined Flood Plain.
- C. No gas well shall be located nearer than fifty (50) feet to any adjoining or adjacent property line unless written permission is obtained from the adjoining owner and a copy of said permission is filed with the Town Board or such other individual or agency as the Board may designate.
- D. At every gas well site, there shall be available to the Town of Lancaster Fire Companies, during all drilling operations at least one (1) dry-chemical fire extinguisher of at least one hundred fifty (150) total pounds' capacity or five (5) dry-chemical fire extinguishers, each having a total of thirty (30) pounds' capacity. The extinguisher or extinguishers shall be maintained in an approved, operable manner to the satisfaction of the Fire Chiefs of the Town of Lancaster or their duly designated assistants and shall be stored a minimum distance of fifty (50) feet from the drilling head.
- E. Blowout preventers shall be activated at least once a day to ensure performance and shall be activated upon the request of the fire chiefs of the Town of Lancaster or any duly designated assistant in order to ensure performance.
- F. No blowoffs of any gas well shall be performed unless at least one (1) responsible person from the drilling company is in attendance at all times.

23.5 Prevention of pollution and migration.

- A. The drilling, casing and completion program adopted for any well shall be such as to prevent pollution. This requirement shall include the erection or construction and maintenance of adequate slush pits where necessary.
- B. Except as hereinafter provided, sufficient surface casing shall be run in all wells to extend below the deepest potable freshwater level.
- C. The drilling, casing and completion program adopted for any well shall be such as to prevent the migration of oil, gas or other fluids from one pool or stratum to another.

23.6 Rotary Tool drilling practices.

- A. On all wells where rotary tools are employed and the subsurface formations and pressures to be encountered have been reasonably well-established by prior drilling experience, the operator shall have the option of either running surface casing, as provided in §23.5B, or of cementing the production casing from below the deepest potable freshwater level to the surface. In areas where the subsurface formations and pressures to be encountered are unknown or uncertain, surface casing shall be run as provided in §23.5B.
- B. When surface casing is utilized, it shall be cemented by the pump and plug or displacement method, with sufficient cement to circulate to the top of the hole. Drilling shall not be resumed until the cement has been permitted to set in accordance with prudent current industry practices.
- C. In areas where the subsurface formations and pressures have been reasonably well established by prior drilling experience, the use of blow-out equipment shall be in accordance with the established local practice. In areas where the subsurface formations and pressures are unknown or uncertain, all rotary drilled wells shall be equipped with blowout equipment maintained in good working condition at all times as follows:
 - 1) A master gate valve or its equivalent
 - 2) A blow-out preventer;
 - 3) A flowing equipped with a shut-off valve of adequate size and working pressure.
- D. If it is elected to complete a rotary drilled well and production casing is run, it shall be cemented by the pump and plug or displacement method with sufficient cement to circulate above the top of the completion zone to a height sufficient to prevent any movement of oil, gas, or other fluids around the exterior of the production casing. In such instance, operations shall be suspended until the cement has been permitted to set in accordance with prudent current industry practices.
- E. Concrete casings shall be constructed at the site of the drill hole and shall reach the grade level of the drill hole.

23.7 Additional requirements.

- A. No gas well shall be drilled in a location that does not have adequate free access to the well site from a public highway for fire or emergency vehicles.
- B. A landscape screen planting of pine, spruce, or other conifer shall be planted adjacent to the fence required in §23.7L. Such conifers shall be planted a minimum of ten (10) feet on center and shall have a minimum height of five (5) feet when planted.

- C. After construction is complete all construction debris shall be removed and the site shall be graded back to original conditions. Any access road shall be maintained in serviceable condition and be provided with a locking gate which will prevent access to the site by unauthorized personnel.

A sign of a permanent nature no larger than four (4) square feet, shall be displayed and maintained at the gate, indicating the drilling company's name, address and telephone number(s) for day or night emergencies.

Where an access road runs from a public right-of-way, a locking gate shall be placed on the access road within twenty (20) feet of the edge of said public right-of-way.

Where an access road runs off of a private way, lane or drive, a locking gate shall be placed on the access road within twenty (20) feet of the private way, line or drive.

- D. Notice shall be given to the Building Inspector or such other individual or agency as the Board may designate and the Fire Chiefs of the Town of Lancaster at least twenty-four (24) hours prior to fracturing and prior to any blowoffs of any well.
- E. The drilling site and gas well location shall be available for inspection at any time by the Fire Chiefs of the Town of Lancaster and by the Building Inspector.
- F. A fire department coupling with 2-1/2" National Standard threads shall be attached to the Blow-out Preventer. This connection shall be located in such a manner that a fire company may connect their hose to it unobstructed in order to pump water into the well.
- G. Conduct of the drilling operation shall be in accordance with the best accepted industry standards so as to limit nuisances inherent in the drilling operation. Specifically, noise shall be limited, and disposal of fluids at the well head shall be done in a manner to save surrounding lands and property from damage.
- H. At least two (2) hours prior to commencement of the drilling operations, the Fire Chiefs of the Town of Lancaster and the Building Inspector shall be notified by the drilling company of the exact time that drilling operations are to commence in order the the Fire Chief or his duly designated assistant and the Building Inspector shall have an opportunity to make a further inspection to determine compliance with this Local Law.

Immediately after the cement of the casing has hardened and the blowout preventer is installed, the drilling company shall again notify the Fire Chief and Building Inspector of such fact in order that the Fire Chief or his duly designated

assistant and the Building Inspector shall have an opportunity to make a further inspection to determine compliance with this Local Law and there shall be no further drilling until such inspection has been made.

Both inspections shall be made as soon as practicable, but within at least twenty-four (24) hours of notification by the drilling company.

- I. In the event that noncompliance is determined after either of the above inspections, the Building Inspector or, in his absence, the Fire Chief or his duly designated assistant shall have the authority to immediately revoke the permit.
- J. This section shall not be deemed to waive the right of the Building Inspector or the Fire Chief or his duly designated assistant from making further inspections to ensure compliance with all parts of this Local Law.
- K. The Town Clerk of the Town of Lancaster shall, within five (5) days after issuance of the permit for gas drilling in the Town of Lancaster, send notification to the New York State Department of Environmental Conservation, Bureau of Mineral Resources or its successor that such permit was issued by the Town of Lancaster stating the applicant's name and the location of the proposed drilling site.
- L. Any gas well and appurtenances thereto shall be completely enclosed by a metal security fence, six (6) feet in height with posts imbedded in concrete foundations with all gates or doors opening through such enclosure equipped with self-closing and self-latching devices designed to keep and capable of keeping gates or doors securely locked and closed at all times when such gas well is not attended by authorized personnel. All such necessary security fences shall be securely closed and locked at all times when the gas well is not attended by authorized personnel. All such necessary security fences shall be constructed and completed within ten (10) days after the completion of the drilling operations. Such gates or doors shall be securely closed and locked at all times when the gas well is not attended by authorized personnel. The fence shall be constructed by the leaseholder and, if there is no leaseholder, then by the owner or owners of the premises upon which the gas well is located. If weather conditions impair installation of permanent fencing, the driller may, with written permission from the Building Inspector, erect temporary fencing. Any such permit to delay permanent fencing shall indicate the date that the permanent fencing will be completed.

A metal sign with an emergency phone number shall be affixed to the gate.

- M. No access road to be used in connection with a gas well site shall be constructed within eight (8) feet of any adjoining property unless written permission is obtained from the adjoining owner and a copy of said permission is filed with the Building Inspector.

23.8 Restoration of drilling site.

- A. Following completion of the drilling of any gas well, all land surfaces shall be graded to the original contour and where necessary, seeded with a suitable ground cover, fertilized, mulched and maintained, all in accordance with acceptable applicable standards, in order that the property be restored as nearly as possible to the same surface conditions which existed prior to commencement of the drilling operation. Such restoration must be accomplished within thirty (30) days after removal of the drilling rig and apparatus. If weather or further construction prohibits or impairs restoration within the aforementioned time limit, the drilling company may submit a request to the Building Inspector for an extension of time to complete permanent restoration. The Building Inspector may extend the time for completion up to three (3) months from the date of the request to so extend.

23.9 Assessed Value.

For purposes of assessing the value of any gas well as licensed hereunder, the leaseholder shall annually provide the Assessor of the Town of Lancaster with the production records of each well for each and every calendar year at the same time that such records are filed with the Public Service Commission (P.S.C.).

23.10 Compliance required for existing drilling sites.

The terms and conditions of this Local Law dealing with the maintenance and operation of drilling facilities, shall, where applicable, apply to drilling sites and/or facilities operational prior to the effective date of this Local Law. Such terms and conditions shall include but not be limited to the safeguards set forth herein, together with the fencing requirements contained in §23.7L provided, however, that the time period for the installation of any such security fence, as required by the above-mentioned section, relative to existing drilling facilities shall be for a period of thirty (30) days after the effective date of this Local Law.

23.11 Building Inspector to issue permit.

Upon determination that the application is in order and conforms to the provisions of this Local Law and that a state permit has been issued and that a permit and license bond has been submitted as provided by this Local Law, the Building Inspector shall issue a permit to the leaseholder or to the owner of the premises.

23.12 Penalties for offenses.

In addition to being subject to any other legal or equitable remedies, the leaseholder of the premises upon which any violation of the provisions of this Local Law has been committed or shall exist and the general agent, drilling company, owner, contractor or any other person who knowingly commits, takes part in or assists in any such violation or who maintains any gas well or structure on the premises in or upon which any such violation shall exist, shall be guilty of a violation of this Local Law and shall be liable, upon conviction thereof, to a fine or penalty not exceeding two hundred fifty dollars (\$250.) or fifteen (15) days in jail, or both. Each operating day of drilling in violation shall be construed to be a separate offense.

23.13 Higher standards to prevail.

If any other ordinance, local law, code or state law, rule or regulation now in effect or hereafter enacted is more restrictive than this Local Law or imposes higher standards or requirements than the provisions of this Local Law, then the provisions of the higher and more restrictive requirement shall govern.

23.14 Severability.

If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

23.15 Effective date.

This Local Law shall take effect after filing and publication as required by law.

and

BE IT FURTHER

RESOLVED, that the Town Clerk of the Town of Lancaster shall:

1. Immediately post a copy of Local Law No. 1 of the Year 1981, on the Town Bulletin Board.
2. Within ten (10) days, publish a certified copy of the Local Law or abstract thereof describing the same in general terms in the Lancaster Enterprise, hereby declared the official newspaper for this publication, and
3. Maintain a file in the Town Clerk's Office on Local Law No. 1 of the Year 1981, with all proofs of publication and posting required for adoption, and
4. File certified copies of the Local Law No. 1 of the Year 1981, within five (5) days of adoption, with:
 - a) Town Clerk's Office
 - b) One (1) copy with the Office of the State Comptroller, and
 - c) Four (4) copies with the Office of the Secretary of State.

This resolution shall take effect immediately and be the only post publication and filing required for adoption of Local Law No. 1 of the Year 1981.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED YES
COUNCILMAN BERENT	VOTED YES
COUNCILMAN CZAPLA	VOTED YES
COUNCILMAN GRZYBOWSKI	VOTED YES
SUPERVISOR KEYSA	VOTED YES

The resolution was thereupon unanimously adopted.

June 1, 1981

LEGAL NOTICE
NOTICE OF ADOPTION
TOWN OF LANCASTER

PLEASE TAKE NOTICE, that there has been adopted by the Town Board of the Town of Lancaster, Erie County, New York, on June 1, 1981, Local Law No. 1 of the Year 1981, entitled "Gas Wells", briefly described as follows:

"A Local Law to provide for the regulation of, the acquisition of, and the development of natural gas supplies."

STATE OF NEW YORK: COUNTY OF ERIE: TOWN OF LANCASTER:

Eleanor D. Kucharski, Deputy
This is to certify that I, ~~ROBERTXXXXXXXXXX~~, Town Clerk and Registrar of Vital Statistics of the Town of Lancaster in said County of Erie, have compared the foregoing copy of Local Law No. 1- of the Year 1981, with the original thereof filed in my office at Lancaster, New York, on the 1st day of June, 1981, and that the same is a true and correct copy of said original, and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town this 2nd day of June, 1981.

Eleanor D. Kucharski
Deputy Town Clerk and Registrar of Vital Statistics

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN GRZYBOWSKI , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
CZAPLA , TO WIT:

RESOLVED, that the following Audited Claims be and are hereby
ordered paid from their respective accounts:

<u>ACCOUNT</u>	<u>ORDER NUMBER</u>	<u>TOTAL AMOUNT</u>
General Fund	No. 11,981 to 12,000 Incl. No. 1 to 31 Incl.	\$275,278.76
Part Town Fund	No. 824 to 824 Incl.	\$ 25,950.00
Highway Fund	No. 525 to 538 Incl.	\$ 75,661.17
Special District Fund	No. 517 to 519 Incl.	\$ 17,295.00
Trust & Agency Fund	No. 486 to 486 Incl.	\$ 348.90
Federal Revenue Sharing Fund	No. 113 to 121 Incl.	\$ 12,914.82
Capital Fund	No. 521 to 525 Incl.	\$ 7,371.18

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call which resulted as follows:

COUNCILMAN BARNHARDT	VOTED YES
COUNCILMAN BERENT	VOTED YES
COUNCILMAN CZAPLA	VOTED YES
COUNCILMAN GRZYBOWSKI	VOTED YES
SUPERVISOR KEYSA	VOTED YES

~~amxxx~~
The resolution was thereupon unanimously adopted.

June 1, 1981

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN CZAPLA , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
GRZYBOWSKI , TO WIT:

RESOLVED, that the following Building Permit Applications be and
are hereby approved and the issuance of Building Permits be and are hereby
authorized:

<u>NO.</u>	<u>NAME</u>	<u>ADDRESS</u>	<u>STRUCTURE</u>
73	Thomas C. Dickinson	113 Ransom Rd.	ER. FENCE & POOL
74	Kevin Michalski	78 Country Pl.	ER. FR. BRK. VEN. SIN. DWLG, PVT. GAR.
75	Richard Stacey	880 Erie St.	REBUILD FR. GAR.
76	Henry Kropski	17 Old School House	ER. FR. STOR. BLDG.
77	Richard J. Juris	10 Redlein Dr.	ER. FENCE & POOL
78	Josela Enter.	6 Petersbrook Cir.	ER. FR. SIN. DWLG, PVT. GARAGE
79	Peter Carroll	2 Pheasant Run	ER. FENCE
80	Alice Maslowski	5827 Broadway	EXT. FR. RESTAURANT
81	Josela Enter.	8 Petersbrook Cir.	ER. FR. SIN. DWLG, PVT. GARAGE
82	John Malczos	19 W. Home Rd.	ER. FENCE
83	Sam Manti	480 Central Ave.	ER. FR. SIN. DWLG, PVT. GARAGE

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call which resulted as follows:

COUNCILMAN BARNHARDT	VOTED YES
COUNCILMAN BERENT	ABSTAINED ***
COUNCILMAN CZAPLA	VOTED YES
COUNCILMAN GRZYBOWSKI	VOTED YES
SUPERVISOR KEYSA	VOTED YES

~~and~~
The resolution was thereupon unanimously adopted.

Councilman Berent abstained due to the fact that the applicant
for Building Permit No. 76 is a relative.
June 1, 1981

Councilman Czaplá requested a suspension of the necessary rule for immediate consideration of the following resolution -

SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN CZAPLA , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
GRZYBOWSKI , TO WIT:

WHEREAS, the Highway Superintendent has recommended the purchase of the following new and unused equipment necessary for the operation of the Highway Department:

4 Ton Hoist
50 Ton Press
1 Band Saw
1 Ton Truck Hoist

for the total price of \$2600.00 from Donald W. Hennebohl, 4870 Gasport Road, Gasport, New York 14067, and

WHEREAS, the Highway Committee of the Town Board concurs in such purchase, and funds for same are available in the Highway Budget,

NOW, THEREFORE, BE IT

RESOLVED, that the Highway Superintendent be and is hereby authorized to purchase said equipment from Donald W. Hennebohl, 4870 Gasport Road, Gasport, New York 14067 for the total purchase price of \$2600.00 conditioned upon receipt of a valid Bill of Sale with no encumbrances and further subject to the Highway Superintendent obtaining a clear, Uniform Commercial Code Search against the seller showing no liens or encumbrances, to be paid by the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN BARNHARDT	VOTED YES
COUNCILMAN BERENT	VOTED YES
COUNCILMAN CZAPLA	VOTED YES
COUNCILMAN GRZYBOWSKI	VOTED YES
SUPERVISOR KEYSA	VOTED YES

The resolution was thereupon unanimously adopted.

June 1, 1981

Councilman Czapla requested a suspension of the necessary rule for immediate consideration of the following resolution -

SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN CZAPLA , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
GRZYBOWSKI , TO WIT:

WHEREAS, the Highway Superintendent and the Highway Committee of the Town Board have recommended that the Town of Lancaster become a party to an Intergovernmental Cooperative Agreement for use of highway equipment by and between the Villages of Lancaster and Depew, and the Town of Lancaster, and

WHEREAS, such agreement and Intergovernmental Cooperative venture is deemed to be in the special interest of said Villages and Town,

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and is hereby directed to execute the Intergovernmental Cooperative Agreement for the use of highway equipment between the Villages of Lancaster and Depew, and the Town of Lancaster, and that the Town Clerk be and is hereby directed to forward copies of said executed agreement to the other parties involved and the Highway Superintendent.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES

COUNCILMAN BERENT VOTED YES

COUNCILMAN CZAPLA VOTED YES

COUNCILMAN GRZYBOWSKI VOTED YES

SUPERVISOR KEYSA VOTED YES

~~dux~~
The resolution was thereupon unanimously adopted.

June 1, 1981

Councilman Czapla requested a suspension of the necessary rule for immediate consideration of the following resolution -
SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN CZAPLA , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BARNHARDT , TO WIT:

WHEREAS, the Highway Superintendent of the Town of Lancaster, by letter dated May 21, 1981, has requested permission to attend a Surplus Property Awareness Program at Albany, New York, on June 15, 1981,

NOW, THEREFORE, BE IT

RESOLVED, that ROBERT W. URBAN, Highway Superintendent of the Town of Lancaster, be and is hereby authorized to attend a Surplus Property Awareness Program at Albany, New York, and

BE IT FURTHER

RESOLVED, that expense reimbursement be and is hereby authorized in an amount not to exceed \$100.00.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN BARNHARDT	VOTED YES
COUNCILMAN BERENT	VOTED YES
COUNCILMAN CZAPLA	VOTED YES
COUNCILMAN GRZYBOWSKI	VOTED YES
SUPERVISOR KEYSA	VOTED YES

~~and~~
The resolution was thereupon unanimously adopted.

June 1, 1981

OFFICIAL REPORTS:

None

COMMITTEE REPORTS:

Councilman Barnhardt, for the Cable TV Committee, reported that the proposals submitted were sent to the State Cable TV Commission for review and recommendations.

He also stated that the next meeting for the Town Cable TV Committee is scheduled for June 9, 1981.

Councilman Barnhardt, for the Street Lighting Committee, reported that contractors are digging up underground street lighting luminary at Heritage Hills and Old Schoolhouse Subdivisions.

The Building Inspector suggested that flourescent tape be used as a warning to contractors that they are nearing the underground luminary.

Councilman Berent, for the Police and Safety Committee, reported that he had received a letter from the Chief of Police summarizing need for new radio equipment.

STATUS REPORT ON UNFINISHED BUSINESS:

1. Dumping Permit Application - Walt's Tree Service
On April 16, 1981 the Planning Board recommended denial of this application. On April 20, 1981 the Town Board returned this application to the Planning Board for further review and recommendation.
2. Grade Crossings, Maple Drive Signalization
On February 4, 1980, the N.Y.S. Dept of Transportation acknowledged receipt of the Town Board resolution requesting signalization of this crossing and forwarded it to Albany Railroad Safety Section for review.
3. Preferential Rights, Erie Lackawanna R.R.
On March 16, 1981, the Town Board adopted a resolution authorizing the Supervisor to enter into a purchase agreement for the right-of-way.
4. Public Improvement Permit Authorization, Countryside Subdivision, Phase 1 (Josela)
The Town Board on October 1, 1979 authorized the issuance of P.I.P. No. 75 (street lighting) and P.I.P. No. 76 (sidewalks) which have not yet been accepted by the Town Board. There is no retention pond associated with this subdivision.
5. Public Improvement Permit Authorization, Country View East Subdivision, Phase 1 (Marrano)
On January 21, 1980, the Town Board authorized issuance of P.I.P. No. 77 (sidewalks) and No. 78 (street lighting) which have not yet been accepted by the Town Board. The retention pond has not yet been accepted but completion is secured by a Letter of Credit expiring on November 21, 1981.
6. Public Improvement Permit Authorization, Heritage Hills Subdivision, Phase 1
The Town Board authorized issuance of P.I.P. No. 69 (street lighting) and P.I.P. No. 70 (sidewalks) which have not yet been accepted by the Town Board. The Town Board is awaiting maintenance security for P.I.P. No. 65 (retention pond) prior to acceptance.
7. Public Improvement Permit Authorization, Woodview Estates Subdivision,
The Town Board authorized issuance of P.I.P. No. 57 (sidewalks) and No. 58 (street lighting) which have not yet been accepted by the Town Board. There is no retention pond associated with this subdivision. At the Town Board meeting of May 18, 1981 the Building Inspector was directed to inform the developer to complete the required sidewalks within this subdivision.
8. Rezone Petition, Josela Enterprises, Inc.
On May 18, 1981, this matter was presented to the Town Board and referred to the Planning Board for review and recommendation.
9. Special Use Permit, Brink's Motors, Incorporated
On March 2, 1981, this matter was presented to the Town Board and referred to the Planning Board for review and recommendation.

STATUS REPORT ON UNFINISHED BUSINESS CONT'D.:

10. Subdivision Approval, Countryside East

On January 15, 1979, this matter was presented to the Town Board and referred to the Planning Board for review and recommendation.

11. Subdivision Approval, Lancaster Industrial Commerce Center

On May 12, 1981, the N.Y.S. Dept. of Audit and Control acknowledged receipt of the Water, Sanitary Sewer and Drainage District applications.

12. Traffic Study, Central Avenue and Columbia Avenue Intersection

On September 4, 1980, the County Dept. of Highways requested a report of all accidents at this intersection for the past three years. On October 8, 1980, the Town Clerk provided the County with the required report data.

13. Traffic Study, Green Arrows at Central and Walden Avenues

On March 20, 1981, the N.Y.S. Dept. of Transportation notified the Town Board that green arrows will be installed at this intersection.

14. Traffic Study, Speed Reduction on Forton Drive

On May 19, 1981, the N.Y.S. Dept. of Transportation transmitted to the Town Clerk an order dated April 29, 1981, establishing a 40 mph speed restriction

15. Traffic Study, Speed Reduction on William Street

On September 9, 1980, the N.Y.S. Dept. of Transportation notified the Town Board that this study was under way.

PERSONS DESIRING TO ADDRESS TOWN BOARD:

Mr. James Vollertson, representing Lancaster Speedway, discussed the operation of the speedway in an effort to enter into an agreement rather than have the Town adopt a Local Law.

The Supervisor directed that any further proposal must be received by the Town of Lancaster on or before June 8, 1981.

COMMUNICATIONS:DISPOSITION

- | | |
|--|--|
| 461. N.Y.S. Dept. of Transportation to Town Clerk -
Transmittal of order establishing 40 mph speed restriction on Forton Dr. | HIGHWAY SUPT.
LANCASTER CENT. SCHOOLS
ATT. DR. HAYES |
| 462. Town Clerk to Town Board -
Resume of actions taken in regards to Town Board meeting held 5/18/81. | R & F |
| 463. Town Attorney to Bennett, DiFilippo, Davison, Henfling & Alessi -
Transmittal of data relative to replacement of water line - Main St. Bridge, Bowmansville. | R & F |
| 464. Town Clerk to Town Attorney -
Notification of estimated maximum project cost, for bonding purposes, of the proposed private phone system. | TOWN ATTORNEY |
| 465. Supervisor to Erie County Legislature -
Expression of disappointment regarding the dropping of property reassessment program. | R & F |
| 466. Town Clerk to Town Board -
Transmittal of Application for Dumping Permit filed by Philip Antonicelli. | PLANNING BRD. CHAIRMAN |
| 467. Highway Supt. to Giallanza Corp. and Marrano Corp. -
Directive concerning placement of barriers. | R & F |
| 468. County Dept. of Personnel to Supervisor -
Notice of Police Promotional Examinations. | SUPERVISOR |
| 469. Supervisor to Marrano Corp. -
Notice of consent to delay construction of retention basin. | R & F |
| 470. Town Attorney to Bennett, DiFilippo, Davison, Henfling & Alessi -
Request preparation of bond resolution for Highway Department equipment purchases. | R & F |
| 471. County Dept. of Youth Services to Supervisor -
Notice of "Superstars 81" schedule for participation by Town. | R & F
RECREATION DIRECTOR |
| 472. The Lovell Group to Supervisor -
Notice of New York State O.S.H.A. Compliance Seminar to be held at Orchard Park on 6/17/81. | R & F |
| 473. James C. Schum. Jr., to Recreation Commission -
Notice of resignation as member. | R & F |
| 474. Deputy Town Attorney to Allan D. Moore -
Notice of denial for a Special Use Permit. | R & F |
| 475. Town Clerk to Town Board -
Request fee increase of \$5.00 for issuance of Marriage License. | R & F |
| 476. Highway Supt. to Town Board -
Request authorization to attend Surplus Property Awareness Program at Albany on 6/15/81. | SUSPENDED RESOLUTION |

COMMUNICATIONS CONT'D.:DISPOSITION

477. Highway Supt. to John Suttell - Comments regarding replacement of driveway culvery pipe on property located at Stein- feldt Rd.	<u>HIGHWAY SUPT.</u>
478. Supervisor to Farmers Home Adm., USDA - Expression of support regarding Twin Dist. Vol. Fire Co.'s application for loan to purchase mini-pumper/rescue vehicle.	<u>R & F</u>
479. Building Inspector to Town Board - Monthly report for May 1981.	<u>R & F</u>
480. Town Clerk to Town Board - Copy of the NYPE Planning News, May-June 1981, entitled "Am I 'Liable' to Get Sued".	<u>R & F</u>
481. Depew Village Attorney to Town Clerk - Transmittal of executed agreement concerning municipal cooperation for use of highway equipment with request for Town's execution.	<u>SUSPENDED RESOLUTION</u>
482. Twin Dist. Vol. Fire Co. Inc. to Supervisor - Request support in application for loan to purchase mini-pumper/rescue vehicle.	<u>R & F</u>
483. Property Manager to Town Clerk - Revised list of items to be auctioned and minimum bid price.	<u>R & F</u>
484. Millgrove Vol. Fire Co., Inc. to Town Clerk - Recommendation of new member to active roster.	<u>R & F</u>
485. Supervisor to Town Board - Notification of investment of funds during May 1981.	<u>R & F</u>
486. Highway Supt. to County Public Works - Request closing of Lincoln St. Bridge for period 6/22-8/17/81 for construction.	<u>NFTA - LVAC</u> <u>DEPEW VILLAGE MAYOR</u> <u>DEPEW POLICE & FIRE CHIEF</u> <u>LANCASTER POLICE</u>
487. N.Y.S. Energy Office to Supervisor - Announcement of start of N.Y.S. Energy Audit Service.	<u>ENERGY COMMISSION</u>
The Supervisor requested a suspension of the necessary rule for immediate consideration of the following communications - SUSPENSION GRANTED.	
488. Highway Supt. to Town Attorney - Notification of costs involved in the anticipated conversion from fuel oil heat to natural gas heat in Public Works Building	<u>TOWN ATTORNEY</u>
489. Erie County Executive to Members, Environ. Task Force - Notice of Special Meeting to be held 6/9/81 regarding follow up on industrial waste disposal sites suspected of receiving hazardous wastes.	<u>SOLID WASTE COMMITTEE</u>
490. Bella Vista Development Corp. to Town Clerk - Transmittal of Application for Approval of Proposed Subdivision - Plumb Bottom Estates.	<u>PLANNING BOARD CHAIR.</u>
491. National Fuel to Supervisor - Comments regarding proposed Gas Well Ordinance.	<u>R & F</u>

ADJOURNMENT:

ON MOTION OF COUNCILMAN BERENT, AND SECONDED BY THE ENTIRE TOWN BOARD AND CARRIED, the meeting was adjourned at 10:45 P.M. out of respect to:

WALTER CLEMENTS

BERNICE KING

Signed Eleanor D. Kucharski
Eleanor D. Kucharski,
Deputy Town Clerk